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72-818

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1972

Supreme Court, U. S.
FILED

APR 14 1973

MICHAEL RODAK, JR., CLERK

THOMAS TONE STORER, et al.,
(LAWRENCE FROMMHAGEN, et al.,
Plaintiff-Intervenor),

Petitioners,

vs.

EDMUND G. BROWN, JR., et al.,

Respondents.

GUS HALL, et al.,

Petitioners,

vs.

EDMUND G. BROWN, JR.,

Respondent.

MOTION FOR LEAVE TO
INTERVENE AMICUS CURIAE ON
BEHALF OF APPELLANTS

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MOTION FOR LEAVE TO
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BEHALF OF APPELLANTS

Now comes the Committee for Democratic Election Laws (CoDEL) and files this Motion pursuant to Rule 42 and shows as follows:

1. That the Committee for Democratic Election Laws represents a broad cross section of citizens concerned with election laws which impede the democratic process. Petitioner's activities include providing legal representation in cases challenging election laws; providing expert testimony on election laws in legal challenges to election laws; providing a voice for its constituents before legislatures concerning laws dealing with the electoral process and in providing information regarding a variety of issues touching on the electoral process, such as the struggle for bi-lingual ballots and to facilitate voter registration.

2. Petitioner seeks leave to file a brief on

the following question:

Is the California requirement that independent candidates collect signatures equaling 5% of the registered voters unconstitutional in and of itself even in the absence of the present restrictions complained of by the Appellants.

Petitioner will contend that in the demographic context of California, the 5% requirement, in and of itself, is an effective bar to independent candidates gaining ballot status.

In essence Petitioner will seek to show that the 5% requirement in California is statistically and practically a qualitatively greater burden than the 5% requirement approved by this Court in Jeness v Fortson, 463 US 431, 91 S Ct 1970(1968).

3. Petitioner feels that this issue will not be adequately briefed by Appellants since the Appellants have expressly indicated that they do not intend to contest the constitutionality of a simple 5% requirement without the additional requirements Appellants complain of. Petitioner has obtained the consent of Appellants to this

Motion and attach hereto a copy of same.

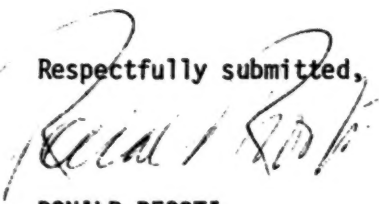
4. Petitioner contends that the issue they seek to raise is relevant because:

a) If this Court decides in favor of Petitioner's position this would dispose of the case.

b) If this Court should hold for Appellants without ruling on the issue presented by Petitioner, the Petitioner is fearful that independent candidates would continue to be under an unconstitutional burden in obtaining ballot status, because the California 5% requirement, in and of itself, even in the absence of the additional burdens challenged by Appellants, will continue to represent a qualitatively greater burden than the 5% requirement approved in Georgia.

WHEREFORE, for the foregoing reasons,
Petitioner, the Committee for Democratic Election
Laws (CoDEL), seeks leave to file a Brief in
Support of Appellants on the issue presented
above.

Respectfully submitted,



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AND

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DATED: April 12, 1973

ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.

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April 5, 1973

THE FOUNDATION IS AFFILIATED WITH BUT SEPARATE FROM THE AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

Dear Ronald Reosti:

We would be delighted to have you file an amicus brief in Storer vs. Brown and Hall vs. Brown. I would appreciate copies of your correspondence with the Court on the matter. We will send you a copy of our brief as soon as it is filed.

Sincerely,


Joseph Bencho
Staff Counsel

JR:dvd

cc: Paul N. Halvonik, Esq.